

Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, § 101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3002, 3003 of this title.

### § 3007. Penalty

#### (a) Penalty

Any museum that fails to comply with the requirements of this chapter may be assessed a civil penalty by the Secretary of the Interior pursuant to procedures established by the Secretary through regulation. A penalty assessed under this subsection shall be determined on the record after opportunity for an agency hearing. Each violation under this subsection shall be a separate offense.

#### (b) Amount of penalty

The amount of a penalty assessed under subsection (a) of this section shall be determined under regulations promulgated pursuant to this chapter, taking into account, in addition to other factors—

- (1) the archaeological, historical, or commercial value of the item involved;
- (2) the damages suffered, both economic and noneconomic, by an aggrieved party,<sup>1</sup> and
- (3) the number of violations that have occurred.

#### (c) Actions to recover penalties

If any museum fails to pay an assessment of a civil penalty pursuant to a final order of the Secretary that has been issued under subsection (a) of this section and not appealed or after a final judgment has been rendered on appeal of such order, the Attorney General may institute a civil action in an appropriate district court of the United States to collect the penalty. In such action, the validity and amount of such penalty shall not be subject to review.

#### (d) Subpoenas

In hearings held pursuant to subsection (a) of this section, subpoenas may be issued for the attendance and testimony of witnesses and the production of relevant papers, books, and documents. Witnesses so summoned shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States.

(Pub. L. 101-601, § 9, Nov. 16, 1990, 104 Stat. 3057.)

### § 3008. Grants

#### (a) Indian tribes and Native Hawaiian organizations

The Secretary is authorized to make grants to Indian tribes and Native Hawaiian organizations for the purpose of assisting such tribes and organizations in the repatriation of Native American cultural items.

#### (b) Museums

The Secretary is authorized to make grants to museums for the purpose of assisting the muse-

ums in conducting the inventories and identification required under sections 3003 and 3004 of this title.

(Pub. L. 101-601, § 10, Nov. 16, 1990, 104 Stat. 3057.)

### § 3009. Savings provision

Nothing in this chapter shall be construed to—  
(1) limit the authority of any Federal agency or museum to—

(A) return or repatriate Native American cultural items to Indian tribes, Native Hawaiian organizations, or individuals, and

(B) enter into any other agreement with the consent of the culturally affiliated tribe or organization as to the disposition of, or control over, items covered by this chapter;

(2) delay actions on repatriation requests that are pending on November 16, 1990;

(3) deny or otherwise affect access to any court;

(4) limit any procedural or substantive right which may otherwise be secured to individuals or Indian tribes or Native Hawaiian organizations; or

(5) limit the application of any State or Federal law pertaining to theft or stolen property.

(Pub. L. 101-601, § 11, Nov. 16, 1990, 104 Stat. 3057.)

### § 3010. Special relationship between Federal Government and Indian tribes and Native Hawaiian organizations

This chapter reflects the unique relationship between the Federal Government and Indian tribes and Native Hawaiian organizations and should not be construed to establish a precedent with respect to any other individual, organization or foreign government.

(Pub. L. 101-601, § 12, Nov. 16, 1990, 104 Stat. 3058.)

### § 3011. Regulations

The Secretary shall promulgate regulations to carry out this chapter within 12 months of November 16, 1990.

(Pub. L. 101-601, § 13, Nov. 16, 1990, 104 Stat. 3058.)

### § 3012. Authorization of appropriations

There is authorized to be appropriated such sums as may be necessary to carry out this chapter.

(Pub. L. 101-601, § 14, Nov. 16, 1990, 104 Stat. 3058.)

### § 3013. Enforcement

The United States district courts shall have jurisdiction over any action brought by any person alleging a violation of this chapter and shall have the authority to issue such orders as may be necessary to enforce the provisions of this chapter.

(Pub. L. 101-601, § 15, Nov. 16, 1990, 104 Stat. 3058.)

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3006 of this title.

## CHAPTER 33—NATIONAL INDIAN FOREST RESOURCES MANAGEMENT

Sec.

3101.

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<sup>1</sup> So in original. The comma probably should be a semicolon.

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## CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 715c of this title.

**§ 3101. Findings**

The Congress finds and declares that—

(1) the forest lands of Indians are among their most valuable resources and Indian forest lands—

(A) encompass more than 15,990,000 acres, including more than 5,700,000 acres of commercial forest land and 8,700,000 acres of woodland,

(B) are a perpetually renewable and manageable resource,

(C) provide economic benefits, including income, employment, and subsistence, and

(D) provide natural benefits, including ecological, cultural, and esthetic values;

(2) the United States has a trust responsibility toward Indian forest lands;

(3) existing Federal laws do not sufficiently assure the adequate and necessary trust management of Indian forest lands;

(4) the Federal investment in, and the management of, Indian forest land is significantly below the level of investment in, and management of, National Forest Service forest land, Bureau of Land Management forest land, or private forest land;

(5) tribal governments make substantial contributions to the overall management of Indian forest land; and

(6) there is a serious threat to Indian forest lands arising from trespass and unauthorized harvesting of Indian forest land resources.

(Pub. L. 101-630, title III, § 302, Nov. 28, 1990, 104 Stat. 4532.)

## SHORT TITLE

Section 301 of title III of Pub. L. 101-630 provided that: "This title [enacting this chapter] may be cited as the 'National Indian Forest Resources Management Act'."

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3108 of this title.

**§ 3102. Purposes**

The purposes of this chapter are to—

(1) allow the Secretary of the Interior to take part in the management of Indian forest lands, with the participation of the lands' beneficial owners, in a manner consistent with the Secretary's trust responsibility and with the objectives of the beneficial owners;

(2) clarify the authority of the Secretary to make deductions from the proceeds of sale of Indian forest products, assure the use of such deductions on the reservation from which they are derived solely for use in forest land management activities, and assure that no other deductions shall be collected;

(3) increase the number of professional Indian foresters and related staff in forestry programs on Indian forest land; and

(4) provide for the authorization of necessary appropriations to carry out this chapter for the protection, conservation, utilization, management, and enhancement of Indian forest lands.

(Pub. L. 101-630, title III, § 303, Nov. 28, 1990, 104 Stat. 4532.)

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3108 of this title.

**§ 3103. Definitions**

For the purposes of this chapter, the term—

(1) "Alaska Native" means Native as defined in section 1602(b) of title 43;

(2) "forest" means an ecosystem of at least one acre in size, including timberland and woodland, which—

(A) is characterized by a more or less dense and extensive tree cover,

(B) contains, or once contained, at least ten percent tree crown cover, and